

Application for a Complaint by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

REINALDO LOPEZ HERNANDEZ

Case No:

22-5017-SNOW

Defendant(s):

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 18, 2022 in the county of Monroe in the Southern District of Florida, the defendant(s) violated:

Code Section

Title 8, United States Code, Section  
1324(a)(1)(A)(iv) and (v)(II)

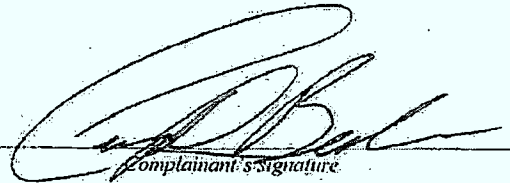
Offense Description

Encouraging or Inducing an Alien to Enter the United States

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.

  
Complainant's signature

Crystal Becker, Special Agent, HSI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by FaceTime.

Date: 10/26/2022

  
Judge's signature

City and state: Key West, Florida

The Hon. Magistrate Judge Lurana Snow

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Crystal Becker, being duly sworn, do depose and say:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am employed as a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), in Key West, Florida, and have been so employed since July 2019. As an HSI special agent, I am responsible for investigating matters within the jurisdiction of the United States Department of Homeland Security, including violations of the immigration and customs laws of the United States. Prior to my employment with HSI, I was employed as a United States Border Patrol Agent from 2015 through 2019. I have completed the Criminal Investigator Training Program, HSI Special Agent Training Program, and the Border Patrol Agent Basic Training Program at Federal Law Enforcement Training Centers in Glynco, Georgia and Artesia, New Mexico. These academies consisted of comprehensive training in multiple disciplines including proper investigative techniques and the application and execution of search, arrest, and seizure warrants for violations of federal laws, including but not limited to violations of the Immigration and Nationality Act.

2. I submit this Affidavit in support of a criminal complaint against Reinaldo LOPEZ HERNANDEZ because there is probable cause to believe that he did encourage and induce aliens to come to, enter, and reside in the United States, knowingly and in reckless disregard of the fact that such coming to, entry, and residence is and will be a violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (v)(II).

3. The statements contained in this Affidavit are based upon my own personal knowledge gathered during my participation in this investigation, my previous training and experience, other State and Federal law enforcement officers and agents, and upon facts and

information from the following sources I believe to be reliable: oral and written reports pertaining to this investigation which I received directly from Customs and Border Protection (CBP) Air and Marine Operation (AMO) Agents, interviews, and investigative database sources. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me or other law enforcement officers or agents involved in this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

#### **PROBABLE CAUSE**

4. On or about October 18, 2022, Customs and Border Protection (CBP) Air and Marine Operations (AMO) contacted Homeland Security Investigations (HSI) regarding the interdiction of a center console vessel (SUSPECT VESSEL). AMO first observed the SUSPECT VESSEL via aircraft in international waters on October 17, 2022, heading southbound away from Florida with two individuals at the helm. After tracking the vessel for approximately four hours, AMO aircraft had to return for fuel. AMO observed the SUPSECT VESSEL via aircraft again on October 18, 2022, in the vicinity of Anguilla Cay, Bahamas traveling towards the U.S. AMO stopped the SUSPECT VESSEL at approximately seven (7) nautical miles off the coast of Ocean Reef, Florida in U.S. waters. The SUSPECT VESSEL was boarded and searched.

5. Upon boarding the SUSPECT VESSEL, AMO identified the boat operator as LOPEZ HERNANDEZ, a U.S. Lawful Permanent Resident and A.R., a Cuban national. There were eighteen (18) additional persons on board the SUPECT VESSEL. Records checks of immigration databases revealed the eighteen (18) passengers and A.R. on the SUSPECT VESSEL were Cuban nationals who did not have legal status in the United States. Further, none of them

had lawful permission to enter, transit through, or reside in the United States on or about October 18, 2022.

6. Records checks of Driver and Vehicle Information Database ("DAVID") identified the SUSPECT VESSEL as United States flagged, Hull Identification Number (HIN) AGC50015B898, and was a 1998 Baja center console, 28' in length, with two (2) Yamaha 350 horsepower outboard motors. The SUSPECT VESSEL had contained one (1) GPS unit (affixed to the center console) that had been removed from the mount, miscellaneous food items and several beverages located inside a cooler.


7. All twenty (20) individuals were transferred onto law enforcement vessels and transported to a United States Coast Guard (USCG) Cutter.

8. On or about October 24, 2022, LOPEZ HERNANDEZ was brought ashore and interviewed by law enforcement. LOPEZ HERNANDEZ was read his Miranda warnings and he waived them in writing. LOPEZ HERNANDEZ admitted to picking up Cuban Nationals in Anguilla Cay, Bahamas in order to bring them into the United States and stated he knew it was illegal to do so. LOPEZ HERNANDEZ stated A.R. had removed and jettisoned the affixed GPS navigational unit from the vessel because he did not want law enforcement to observe the waypoint tracks contained on the unit. Further, LOPEZ HERNANDEZ admitted that he and A.R. departed from Florida to pick up his family members who had departed from Cuba to bring them into the U.S. LOPEZ HERNANDEZ stated that he knew there would be additional Cubans with his family members.

9. Anguilla Cay, Bahamas is an area known for migrant smuggling pickups that end up arriving in the upper Florida Keys.

10. Based on the foregoing facts, your Affiant submits there is probable cause that on or about October 18, 2022, LOPEZ HERNANDEZ did knowingly and willfully encourage and induce aliens to come to, enter, and reside in the United States, knowing and reckless disregard of the fact that such coming to, entry, and residence is and would be in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (v)(II).

**FURTHER AFFIANT SAYETH NAUGHT.**

  
CRYSTAL BECKER, SPECIAL AGENT  
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance  
with the requirements of Fed. R. Crim. P. 4.1  
by FaceTime this 26 day of October 2022.

  
THE HON. LURANA SNOW  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. \_\_\_\_\_

22-5017-SNOW

UNITED STATES OF AMERICA

v.

REINALDO LOPEZ HERNANDEZ,

Defendant.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? ☐ Yes ☒ No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? ☐ Yes ☒ No

Respectfully submitted,

JJUAN ANTONIO GONZALEZ  
UNITED STATES ATTORNEY

By: \_\_\_\_\_

Jessica J. Ayer

JESSICA J. AYER  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NUMBER:** \_\_\_\_\_

**BOND RECOMMENDATION**

**DEFENDANT:** REINALDO LOPEZ HERNANDEZ

PTD

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: Jessica J. Ayer  
SAUSA: Jessica Ayer

Last Known Address: BP Marathon

\_\_\_\_\_  
\_\_\_\_\_

What Facility: \_\_\_\_\_

\_\_\_\_\_

Agent(s): S/A Crystal Becker

(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)

HSI